

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELIOT I. BERNSTEIN, INDIVIDUALLY,  
et. al.,

Plaintiff,

-against-

:  
:  
**NOTICE OF CROSS-MOTION**

:  
**Docket No. 07 CV 11196**

APPELLATE DIVISION, FIRST DEPARTMENT,  
et. al.,

:  
Defendants.

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**PLEASE TAKE NOTICE** that upon the annexed Affidavit of Richard M. Howard and the moving papers of Co-Defendants, Raymond A. Joao, Proskauer Rose, LLP and assorted other co-defendants with all exhibits attached thereto and upon all proceedings herein, Defendants, Lewis S. Meltzer and Meltzer, Lippe, Goldstein & Breitstone, LLP, will move this Court at the United States Courthouse, 500 Pearl Street New York, New York, on the return day of said Co-Defendant's motion pursuant to F.R.C.P. Rule 12 (b) (6) for an Order dismissing the Plaintiffs' Complaint. Opposing papers shall be due at the same time as opposition to the motions of the aforesaid Co-Defendants. Defendants Lewis S. Meltzer and Meltzer, Lippe, Goldstein & Breitstone, LLP also seek such other and further relief as this Court deems just and proper.

Dated: Mineola, New York  
May 30, 2008

MELTZER, LIPPE, GOLDSTEIN & BREITSTONE, LLP

By: 

Richard M. Howard (RMH-2932)

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and Meltzer, Lippe, Goldstein & Breitstone, LLP  
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